



STAFF REPORT

AGENDA ITEM: # 2

CASE NUMBER: P.D. 18-18 (CORRES.)

L.U.C.B. MEETING: September 12, 2019,
Held from August 8, 2019

DEVELOPMENT: Delta Square P.D.

LOCATION: 5000 American Way Blvd, west side of American Way +/- 1,630' south of Mt. Moriah Road.

OWNER/APPLICANT: Gary E. Veazey, Trustee

REPRESENTATIVE: SR Consulting (Cindy Reaves)

REQUEST: 1). Add Parcel 07400100243 to the boundary of the P.D. pursuant to the conditions of this planned development. 2). Allow a dust-free, gravel parking surface for this parcel for truck parking. 3). Allow the Shop Building to be moved on the site and remove the condition requiring the shop building to have a masonry façade.

AREA: 35.89 Acres

CONCLUSIONS

1. Requests 1 & 2 are related. Staff finds that the use of this site, labeled B and C in the Conditions, can be a compatible use provided a detailed site plan is submitted that effectively screens the truck and trailer parking from the American Way right of way and the abutting property to the west.
2. Staff is concerned about the presence of the TVA Transmission Easement and its potential impact on any screening plan.
3. Staff considers the screening plan to be an integral part of this approval recommendation. If the recommended screening plan cannot be met, staff will not approve the Final Plat. A substitute plan that includes a reduced area or the relocation of the parking to a location on the site where the screening requirement can be met will be required. The applicant will have the opportunity to appeal the decision of the OPD to the LUCB.
4. Request #3 is acceptable as long as the Shop Building is re-located so that is out of the direct view of the American Way right-of-way.

CONSISTENCY WITH MEMPHIS 3.0

The plan allows that in evaluating sites for consistency, existing land use and zoning may be taken into consideration. **This proposal is consistent with Memphis 3.0.**

RECOMMENDATION:
Approval Subject to Conditions

Staff Writer: John D. (Don) Jones

E-mail: john.jones@memphistn.gov

GENERAL INFORMATION

Street Frontage: American Way 2,126.77'

Zoning Atlas Page: 2240 and 2245

Parcel ID: 07400100243

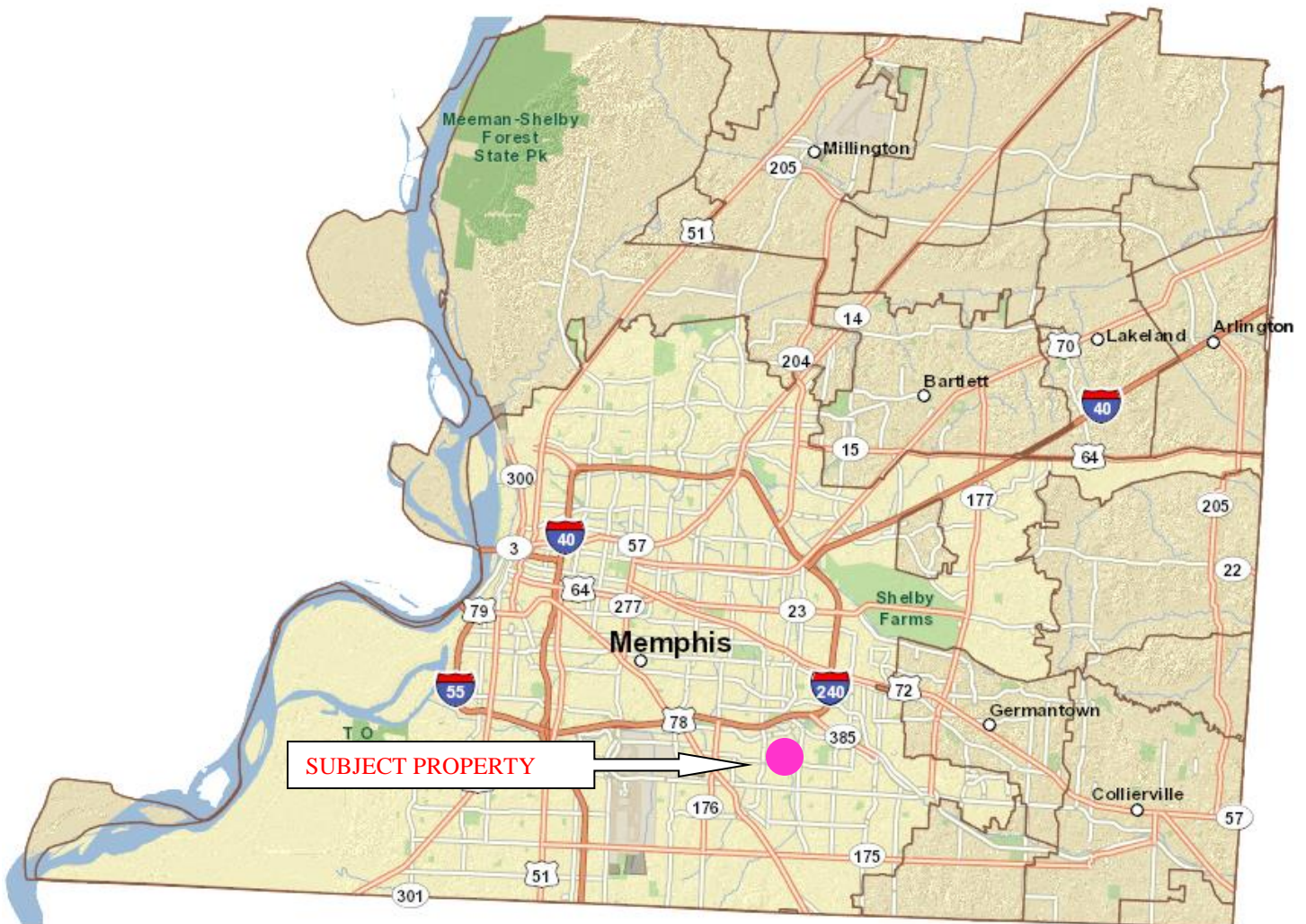
Existing Zoning: P.D. 96-336 – Thousand Oaks Planned Development, Area B Permitted Uses – Office, and Associated Commercial and Parking.

PUBLIC NOTICE

Public Notice Sign(s) were posted, see the attachment at the end of the report. A total of 60 Notices of Public Hearing were mailed on July 24, 2019.

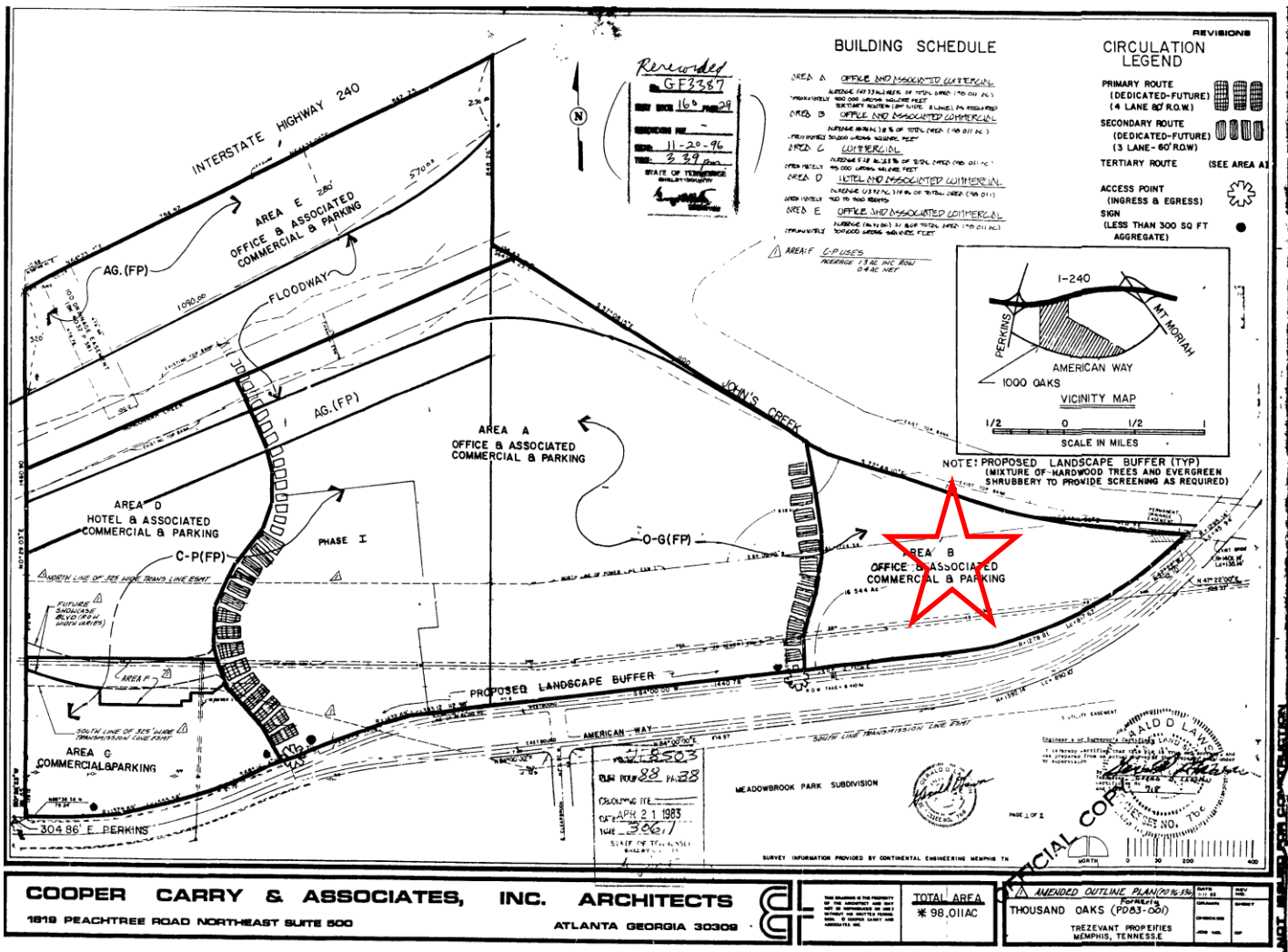
A Neighborhood Meeting is not required for a Major Modification Application.

LOCATION MAP



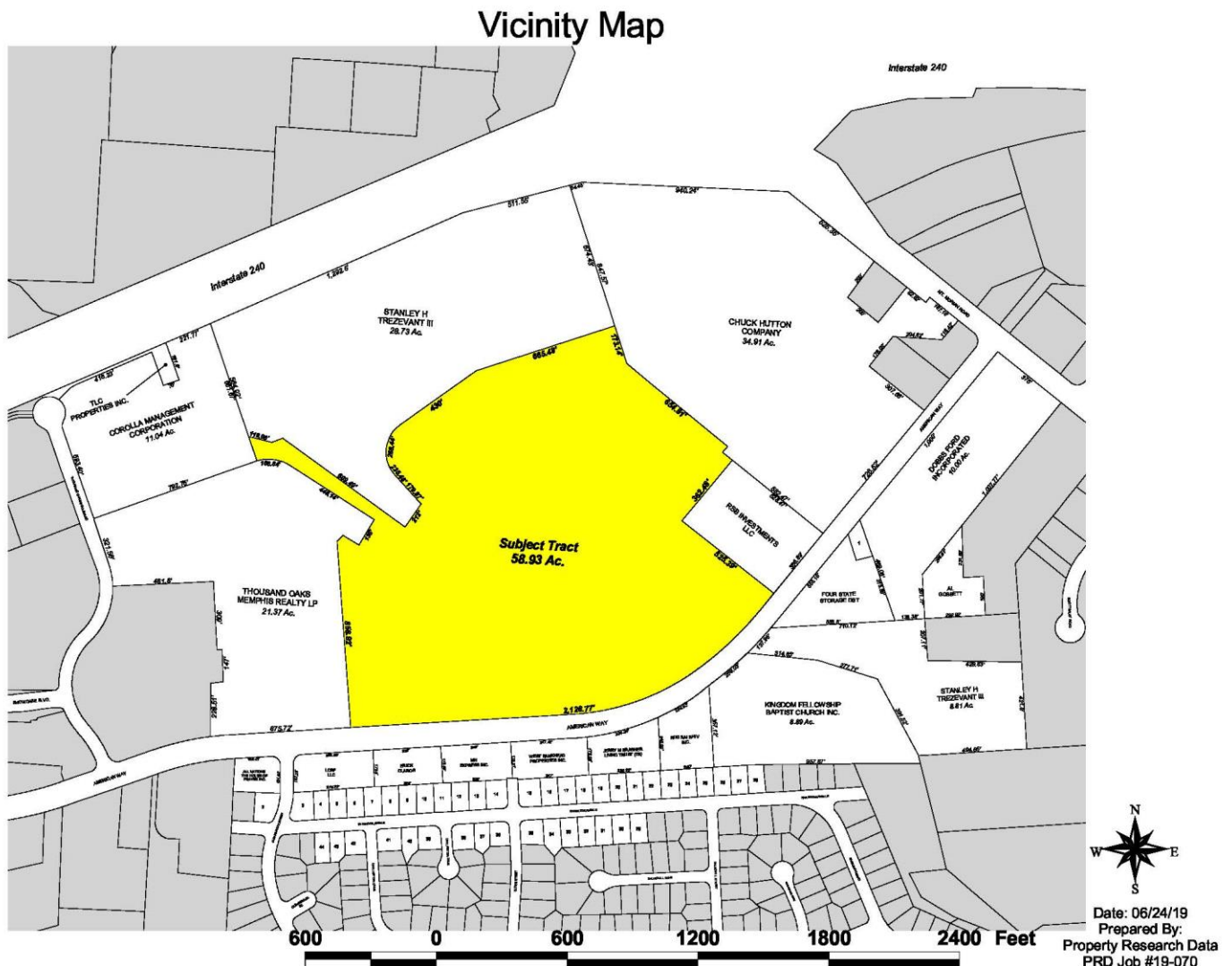
Subject property located within the pink circle. This location is situated between three neighborhoods, Sea Isle Park, Parkway Village, and Fox Meadows.

Thousand Oaks Planned Development (P.D. 69-336) Area B



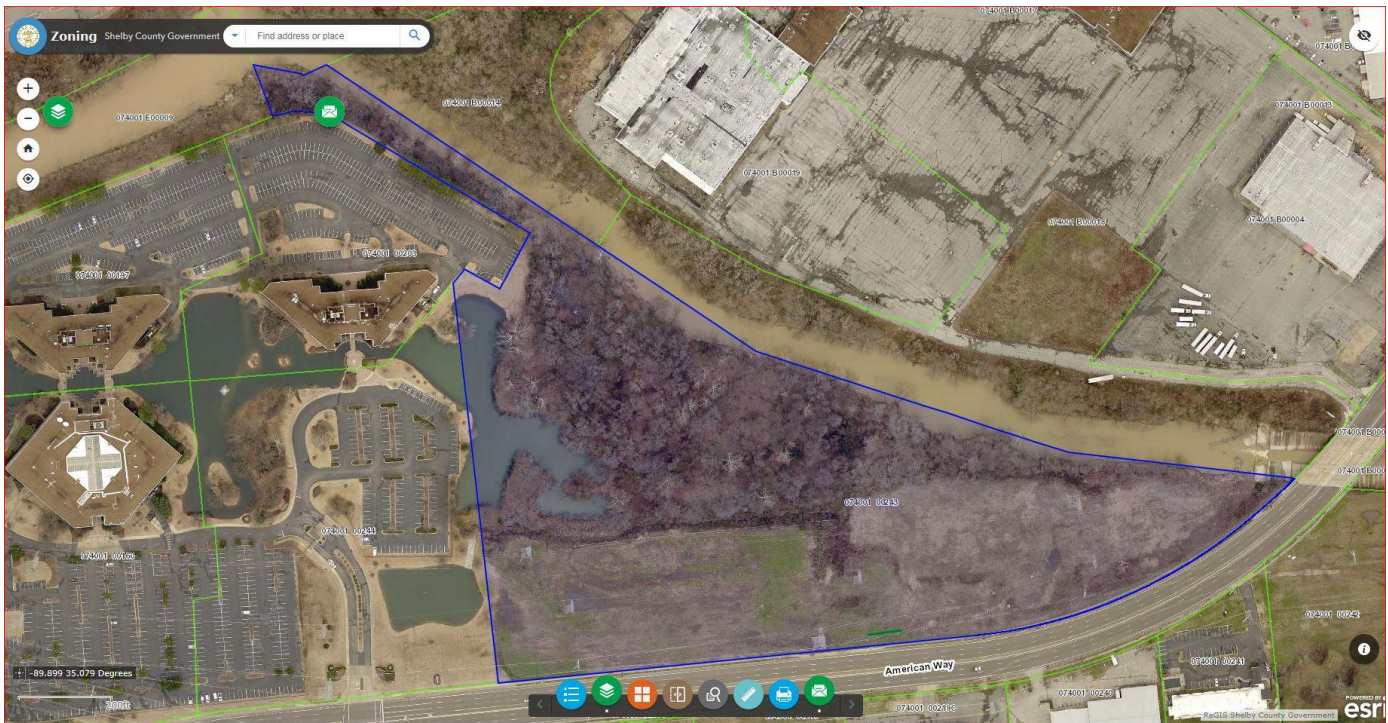
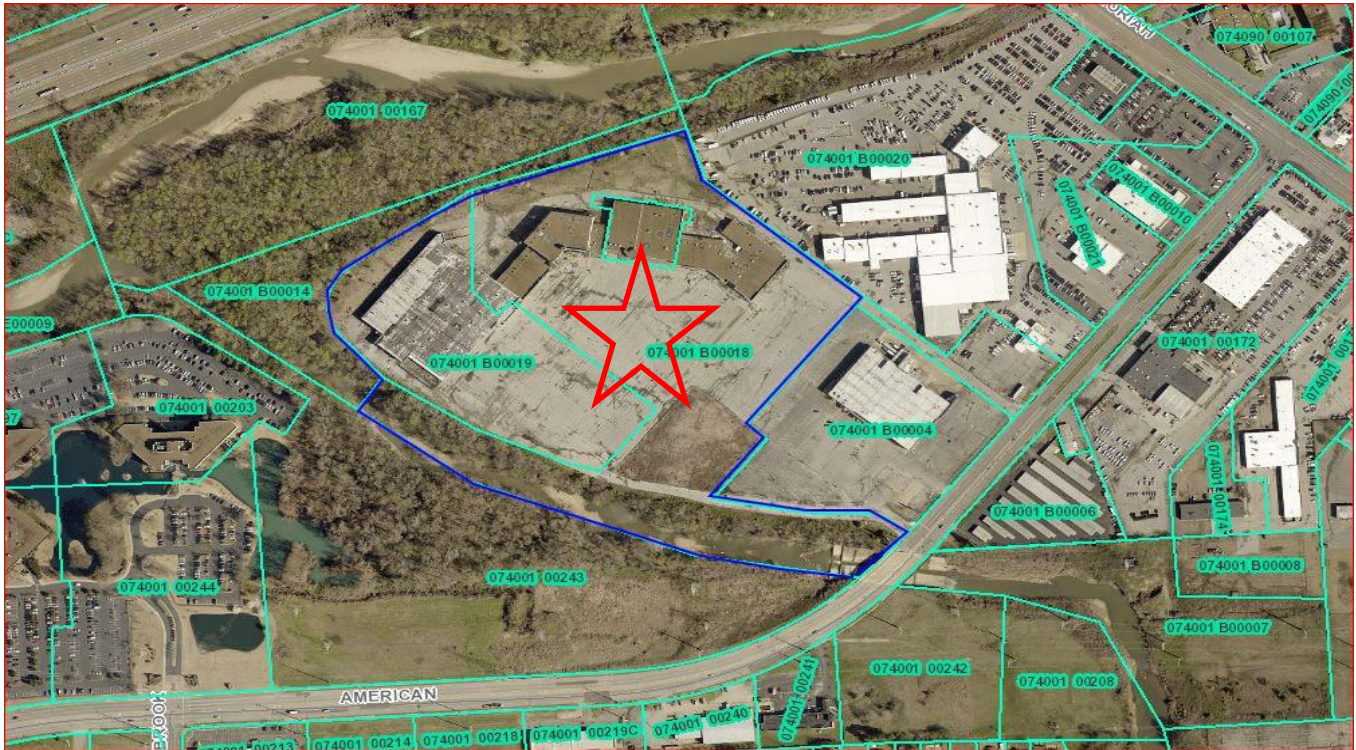
Outline Plan for Thousand Oaks Planned Development. This subject property, identified with the red star was approved for office and associated commercial uses along with associated parking uses.

VICINITY MAP



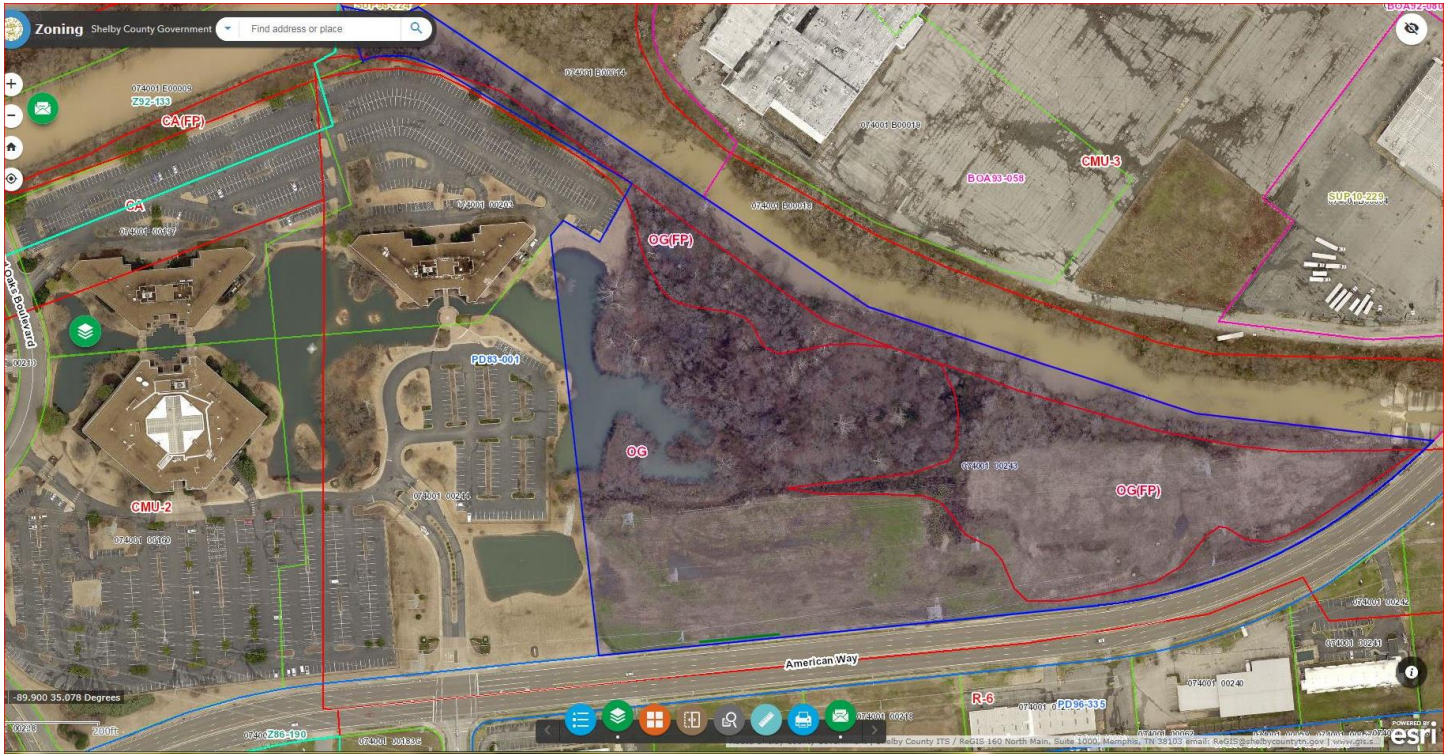
Subject property highlighted in yellow. The vicinity map includes both the land that was approved for the Trucking facility and dock under P.D. 18-18 Delta Square P.D. and the +/- 20-acre tract that is being added with this Modification Application.

Aerial Overview
Top- Boundaries of the Delta Square P.D., P.D. 18-18



The area above hi-lighted in blue is the area to be added to the P.D.

ZONING MAP



Subject property highlighted in blue.

Existing Zoning: Area B, Thousand Oaks Planned Development – Office with associated commercial and parking (P.D. 96-336)

Surrounding Zoning

North: P.D. 18-18 – Delta Square Planned Development (Motor freight and docking facility)

East and South: P.D. 96-355 John’s Creek P.D – Office and specified commercial uses

West: P.D. 96-336

LAND USE MAP



Subject property outlined in blue.

Environmental



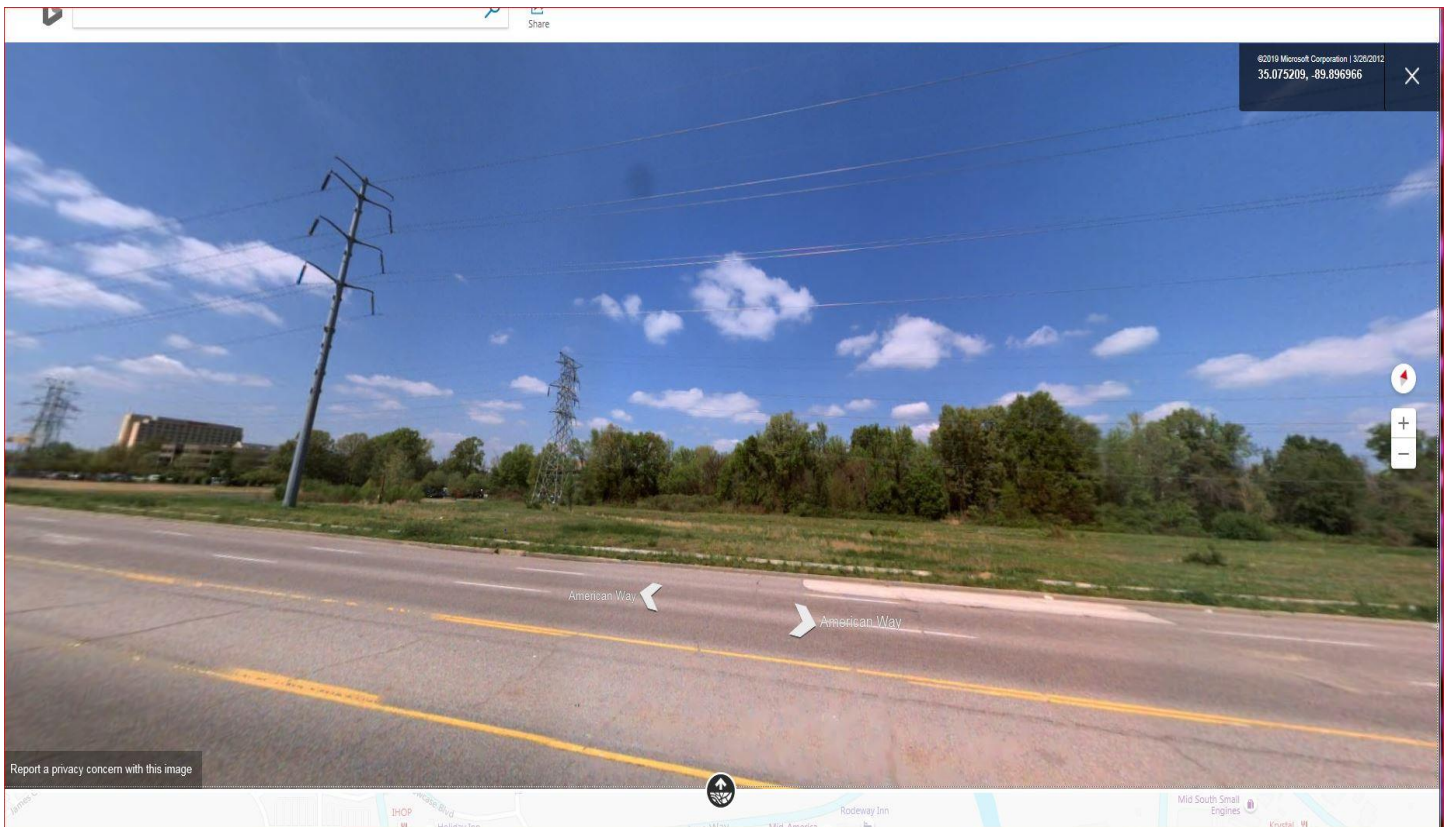
Blue cross hatch = Floodway

Green cross hatch = 100-year flood plain

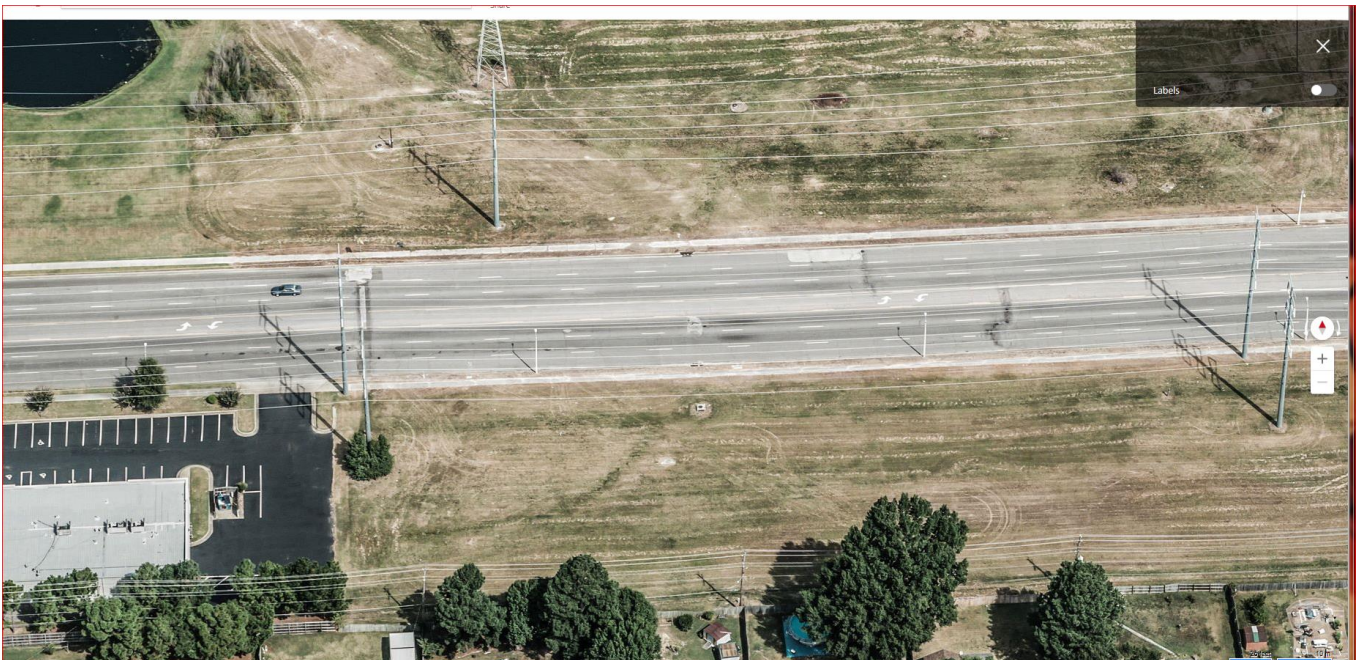
Brown cross hatch = 500-year floodplain

Although not designated on the map, ponding with dense foliage is indicative of wetlands.

SITE PHOTOS
(courtesy of Google Maps)

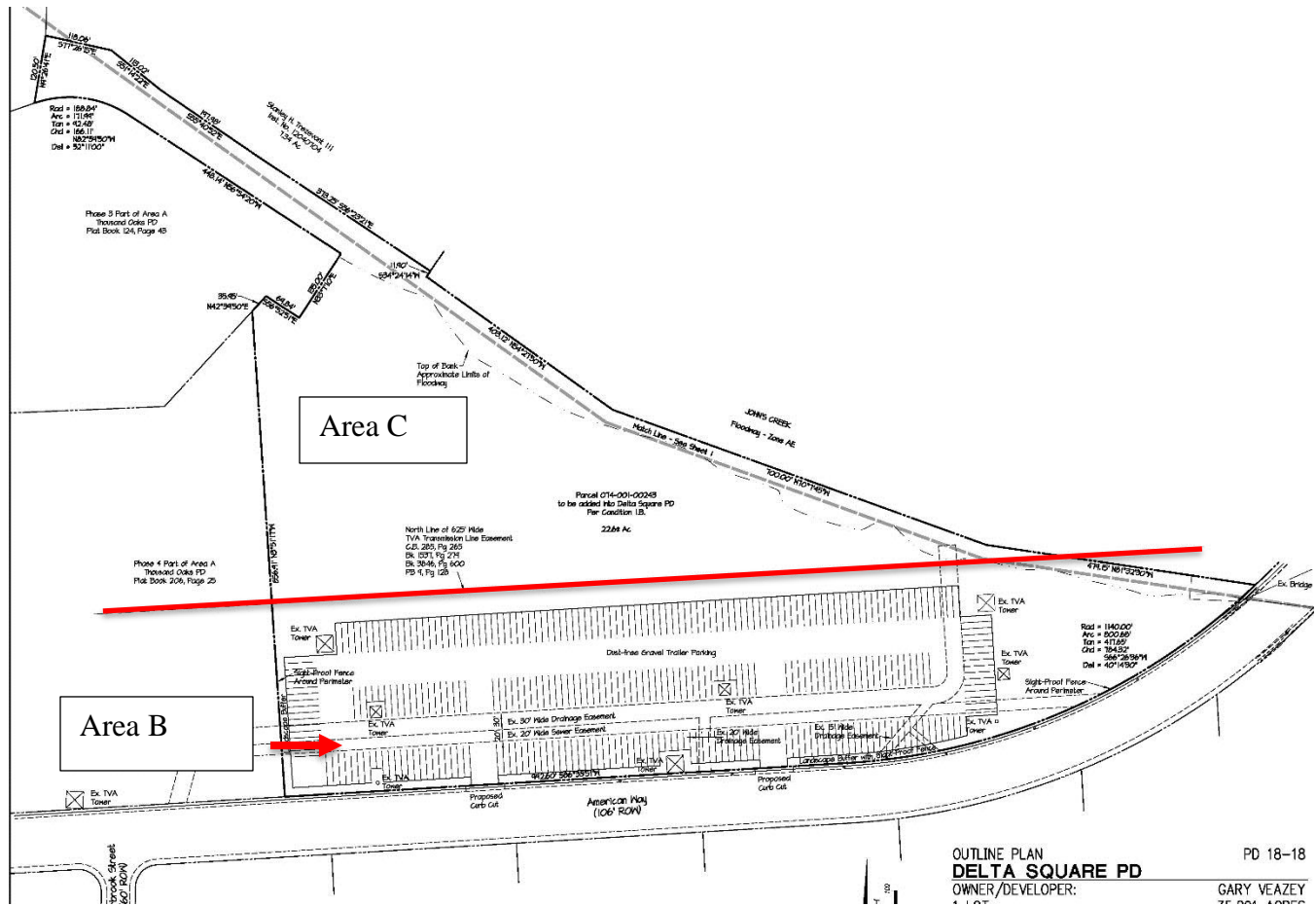


View along north side of American Way (on office building part of the Thousand Oaks development is visible on the far-left side of the view).



[illegible]

Site plan for Major Modification Application



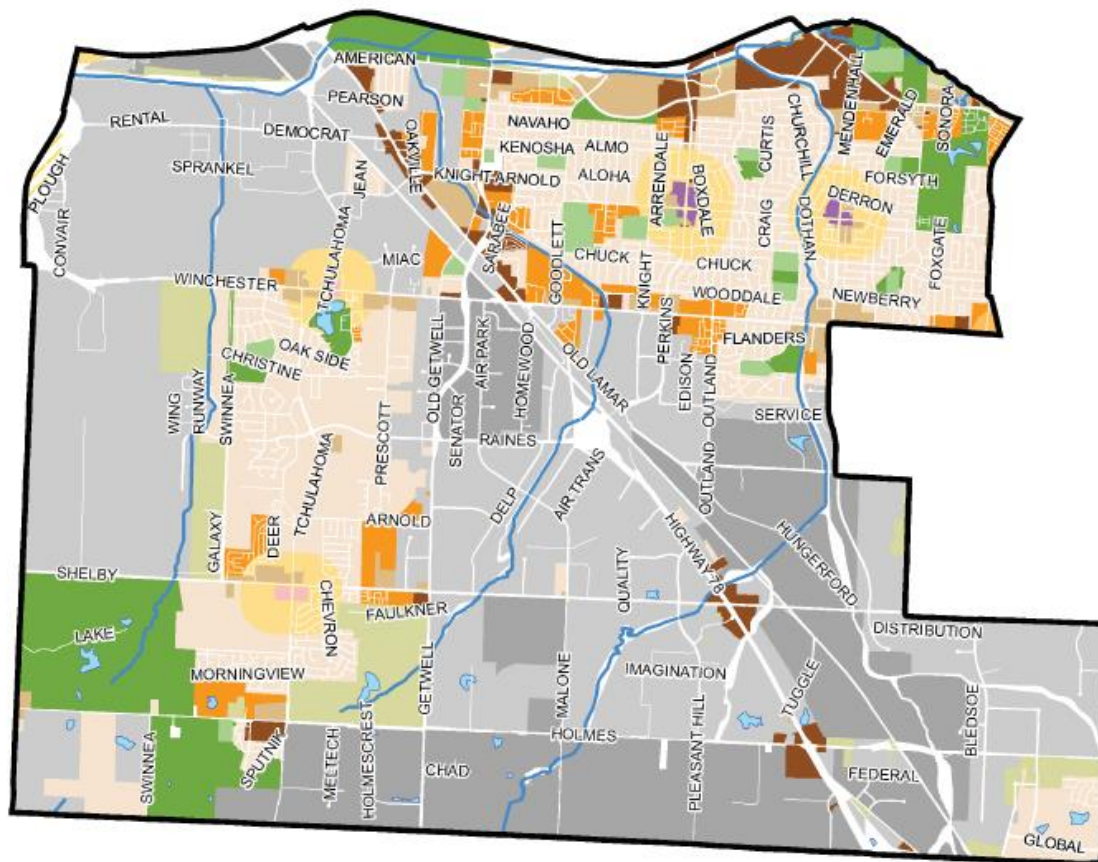
Memphis 3.0

OAKHAVEN & PARKWAY VILLAGE

Land Use

- Anchor Neighborhood - Primarily Single Unit
- Anchor Neighborhood - Mix of Building Types
- Anchor Neighborhood - Urban
- Primarily Single Unit Neighborhood
- Primarily Multifamily Neighborhood
- Neighborhood Crossing
- Neighborhood Main Street
- Urban Main Street
- Urban Center
- Urban Core / Downtown
- Medical and Institutional Campus
- Low Intensity Commercial & Services
- High Intensity Commercial & Services
- Open Space & Natural Features
- Public & Quasi Public Buildings & Uses
- Parks & Recreation Facilities
- Industrial
- Industrial Flex
- Transportation and Logistics Facilities
- Transitional Neighborhood
- Transitional Commercial
- Transitional Industrial

Future land use focuses on encouraging a mix of uses and density around anchors. Anchors are designated Neighborhood Main Street and Urban Main Street and feature walkable, mixed-use centers that are one to two blocks and larger mixed-use centers that are several blocks located on main corridors. Land use buffers to protect industrial from residential have been applied around the Winchester & Tchulahoma anchor and the Shelby & Tchulahoma.





- Urban Center
- Urban Core / Downtown
- Medical and Institutional Campus
- Low Intensity Commercial & Services
- High Intensity Commercial & Services
- Open Space & Natural Features
- Public & Quasi Public Buildings & Uses
- Parks & Recreation Facilities

Under the “Using the Plan” section of Memphis 3.0, it is clear that the intent is not for Memphis 3.0 to override or supersede prior approved plans or zoning. Further, as indicated below, in evaluating whether a land development request is or is not consistent with the recommended Future Land Use designation, staff should consider the existing land use pattern and zoning. Memphis 3.0’s recommendations are done a macro level while the specific recommendations of the Land Use Controls Staff are done at a micro or site-specific level.

Below is excerpted from the Memphis 3.0 Comprehensive Plan, page 73.

1. The future land use **planning** map;
2. The land use category descriptions and graphic portrayals, including whether the proposed use would be compatible with the zone districts listed in the zoning notes, the proposed building(s) fit the listed form and location characteristics, and existing, **adjacent land uses and zoning**;

STAFF ANALYSIS

Request and Justification

The application and letter of intent can be found beginnig at page 27 of this report.

The request consists of two parts: a change to the building materials for the Shop Building that is in the original boundaries of this P.D. Second, the applicant desires to add some additional land to the P.D. to be used as additional parking for tractor-trailers and possibly employees. The applicant also requests that they be allowed to use a dust free, gravel surface for the tractor-trailer parking.

The justification for the removal of the condition regarding building materials for the Shop Building is that the applicant intends to move this building to a location on site that is outside of direct view from the public right-of-way of American Way.

The justification for the addition of the property stems from the original application for the Delta Square P.D. The applicant anticipated that additional land may be desired for this operation and a condition was prepared that would allow the addition of certain properties subject to the approval of a Major Modification Application. The requested dust free, gravel surface may be a more environmentally appropriate approach than the use of continuous impervious surface.

Site Description

The exhibits beginning on page 4 and continuing to through page 12 provide an illustration of the existing conditions of the subject property.

This property is located within the boundaries that an existing approved and developed Planned Development – Thousand Oaks P.D., Area B. The conditions of approval for that P.D. permit its development as office with associated commercial and parking.

The zoning and land use exhibits indicate that the property abuts a campus office development to the west, small strip commercial and vacant land on the opposite side of American Way and the former shopping center now approved for the truck terminal in the Delta Square Planned Development.

The Environmental exhibits show that a significant portion of this site, both to the north and east of the proposed concept plan are included in the 100-year, regulatory floodplain. The balance which is a relatively narrow strip running parallel with the American Way right of way, is located within the 500-year floodplain which is not regulated by the UDC.

Also noteworthy here is the existence of a pond which is shown on the exhibits on pages 6-9 of this report. This pond begins on the abutting property to the west, Phase IV Area A of the Thousand Oaks Planned Development, and extends into this property.

Equally noteworthy is the presence of the TVA overhead transmission easement which runs parallel with American Way. Because of TVA requirements regarding the location of any material under and within proximity of their easements, the planting of landscaping to properly screen this parking lot will be a challenge.



In the view of staff, this challenge must be successfully met or the Final Plat will not be forwarded to City Engineering as a part of the plan review process. Conditions have been promulgated to effectuate such an outcome.

Site Plan Review

General – Staff has reviewed the conditions that were approved with the Delta Square Planned Development, OPD File Number P.D. 18-18, and determined that the best way to regulate both the currently approved portion of the P.D. and the requested additional parcel is to create three planning areas; Area A, Area B and Area C.

Where new language is being added to the P.D. conditions, they will be indicated in the conditions by bold and italic type. Where an existing condition is being modified, they will be identified in bold type.

Area A is the original application that is the former Delta Square Shopping Center. Area B is the active area of the new parcel that lies between the right of way of American Way and the north line of the TVA transmission easement which is identified on the submitted Concept Plan. Area C is the remaining area which is located between the north line of the Transmission Easement and the boundaries of John's Creek.

New Area A – The portion of this request that removing the required building materials from the façade of the Shop Building is a reasonable request. The site plan shows the Shop Building relocated behind an existing building that is outside of the P.D. and sits between the Shop Building and the American Way right of way. Thus, it will be out of the direct line of sight for passers-by along American Way.

Area B – The request is parking for tractor-trailers and potentially employees. At first look, this request would appear completely out of character. After all, this site is separated from its parent by John's Creek a significant tributary to Nonconnah Creek. Also, west of this site is a developed office park and the nearest parcel includes a building that is currently is use as a business college. On the opposite side of the American Way are small, strip retail centers. Under any scenario the requested use is industrial in character.

American Way is classified as an Urban Minor Arterial. The cross-section between Perkins Road and Mt. Moriah Road runs in an east-west direction at Perkins Road but at the eastern edge of this site the road turns to the north.

Along the frontage of that section of American Way that runs east to west, most of the uses of land have allocated their required parking between the street and the nearest building. This is typical for commercial development but the location of the building on either side is directly affected by the presence of the TVA easement.





Moving to the north the character of the land use changes to include self-storage warehouse, auto sales, corporate office with attached warehouse and contractor's office with outdoor storage.

So, surface parking, even though it is for tractor trailers, is not out of character for the area. The more intensive nature of the request, 18-wheel vehicles, will be modified by a dense landscape screen.

It bears re-emphasis at this point, that having had experience on projects with similar requested uses that also were located abutting a TVA easement, that if the recommendation of Approval with Conditions is based on the applicant's ability to submit a landscaping plan that is consistent with recommended landscaping conditions. If for any reason, it is not possible, then a new plan which may involve a significant reduction in parking spaces, will be required to be filed via a Major Modification application. Said application should not involve moving into the environmentally sensitive area designated herein as Area C. The proximity of this area of the plant to the John's Creek and the existence of mature vegetation leads staff to assume that this area could be a designated a wetland.

One last point to be raised regarding this request is that the most eastward development of the Thousand Oaks Planned Development, Area A, Phase IV was recorded in September 2003 and re-recorded in July of 2004. Since that time, subsequent development has taken place to the northwest in proximity to Interstate 240. This suggests to staff either a change in market or the difficulty of developing this site considering encumbrances associated with this site. Thus, a change in land use from its current entitlement to what is requesting is reasonable subject to limitations.

Conclusions

This application consists of two separate issues.

The first is a change in the location of the mechanic's shop building in the area of the P.D. being labeled Area A. If the new location is out of the direct line of site of the right of way of American Way, staff has no opposition to modifying the conditions regarding the treatment of the building façade.

The second change involves the addition of land into the P.D. under this Major Modification Application with the proposed use for the site described as overflow parking for Tractor Trailers. It was not made clear at the Technical Review Committee meeting when this overflow parking would be needed and how much of the designated parking would be needed. It could be the entire site or only a portion and not necessarily year-round. Thus, the accompanying request is to allow the surface of the parking to be dust-free, compacted gravel. Staff finds the use of compacted gravel to be an acceptable alternative to asphalt as long as the Fire Department can maneuver thru the drive aisles.

A significant portion of the American Way road frontage is made up of surface parking to serve commercial and office uses. The use for this site as parking is not out of character but the tractor-trailers are a more intensive use. This property which is part of the Thousand Oaks Planned Development was sold to another party prior to its purchase by this applicant. That sale indicates that this property was no longer considered a viable option for an office use consistent with the developed site to the west.

To address the difference in the type of vehicle to be stored on site, staff has promulgated a series of landscaping conditions intended to screen these vehicles from the right of way and the property to the west. These conditions are so integral to the recommendation of Approval with Conditions that if they cannot be met for whatever reason, staff will refer the site plan back to the LUCB for consideration. Staff may well recommend that the site be diminished or relocated to a place on the site where similar landscaping conditions can be met. It is intended in these conditions, that the area designated as Area C not be included for development.

RECOMMENDATION *APPROVAL SUBJECT TO CONDITIONS*

Outline Plan Conditions

Delta Square PD

P.D. 18-18

New conditions indicated in bold and italic print

Revisions to prior approved conditons are indicated in bold type

I. Use Permitted:

A. Area A

1. Uses permitted in Use Category-Industrial by right in the CMU-3 District including warehouse and distribution with associated accessory uses and motor truck facility with gasoline pumps and truck wash.
2. The permitted uses will also include corporate office space.

3. Convenience services including restroom, shower facilities, and a lounge area for employees are permitted. Accommodations for overnight stay is prohibited.

B. Area B (This area is located immediately abutting American Way and is south of the north line of the 625' wide TVA transmission line easement indicated on the Concept Plan associated with the Major Modification application)

- 1. Tractor-trailer and employee parking and open space.***
- 2. Tractors shall include an idle kill switch that stops the motor after 5 minutes.***
- 3. Tractor/trailer shall not have a backup beeper.***
- 4. Fuel pumps shall not be permitted.***

C. Area C (This area is the remaining portion of the Concept Plan submitted with the Major Modification application submitted for LUCB action on August 8, 2019- it lies between the south line of John's Creek and the aforementioned TVA transmission easement)

- 1. Open Space – non-buildable***
- 2. The removal of dead and dying plant material is permitted, but no clear cutting. Any removal of live material over 8 inches DBH is subject to review under the Tree Ordinance.***
- 3. A pedestrian sized and scaled network is a permitted activity. Removal of material to create the network shall be reviewed under the Tree Ordinance.***

D. This Planned Development may be expanded to include the properties to the southwest, Parcel 074-001-00243, and southeast, Parcels 074-001-00242 and 074-001-00208 and Parcel 074-001-B0004 in the event the developer acquires it. The addition of this property into the P.D. will require the filing of a Major Modification Application with full zoning public notice and a Concept Plan.

II. Bulk Regulations: The bulk regulations of CMU-3 shall apply.

- A. Any fueling station shall be located no less than 100 feet from any existing or proposed building on site and no less than 100 feet from any property line.**
- B. A collection system shall be put in place to catch any spilled fuels and prevent said fuels from reaching the streams or creeks that abut this property. Said method of collection shall be noted on the final plat.**
- C. The proposed Shop Building shall be composed of masonry materials, no exposed metal will be permitted. The colors of buildings on site shall match. *If the Shop Building is moved to a location on site that is not directly visible from the American Way right of way, this condition will not apply and a metal façade is permitted.***

- D. Area B: Any filling of the 100-year floodplain shall first require the filing of a Final Plat for review of the OPD and, if determined necessary the City Engineer's Office.*
- E. If filling is approved by the appropriate governing bodies, evidence of an approved LOMAR/LOMA shall be indicated on any subsequent plat for Area B.*
- F. If any approved filling impacts Area C, OPD staff and if deemed necessary, the City Engineer will review its impact and may require the replacement of any lost vegetation. A tree survey may be required.*
- G. Area B: Provide a minimum setback from American Way of 25 feet to accommodate a berm and landscape screen.*
- H. Area B: Provide a minimum 15-foot-wide buffer along the west property line. This screen shall be the equivalent of a Class III buffer; however, a brick or masonry wall shall be required. The planting in this area shall be an evergreen species with growth characteristics that will not interfere with the TVA easement. The height of the material at planting shall be eight feet.*
- I. Area C: Applicant shall work with OPD staff, to determine if there is sufficient viable mature vegetation to screen the view of the office/college patrons from the truck parking. Supplemental planting may be required.*
- J. Area C: If Condition Letter I above is not met or supplemental planting or fencing is needed, OPD staff will determine the fencing and plant materials needed.*
- K. Area B and C: Any Final Plat shall include both Area B and C together even if no activity is sought for Area C.*
- L. Any Final Plat for Areas B and C shall clearly indicate the ownership and maintenance responsibilities for all open space and in particular, the pond which extends into this area from the Area A Phase IV Plat of the Thousand Oaks P.D.*
- M. If for any reason, the requirements of the landscape section for Area B cannot be met to the satisfaction of the OPD, the site plan shall be denied. The applicant or the OPD may appeal the denial to the LUCB. The OPD may recommend a reduction to the parking area and or the relocation of the parking to location on site where adequate screening can be installed and maintained. All alternatives shall be explored before any consideration of moving into Area C is considered.*

III. Access, Parking and Circulation:

- A. The design, number and location of any new curb-cuts shall be subject to review and approval by the City Engineer.*
- B. All private drives shall be constructed and maintained in accordance with City standards and shall provide a minimum pavement width of twenty-two (22) feet, unless modified elsewhere in these conditions.*

- C. Provide internal circulation between adjacent phases, lots and sections, *where feasible*.
- D. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- E. All required parking spaces shall be designated on the final plan.
 - 1. Parking areas designated for Employee Parking shall meet the landscaping requirements of the UDC.
 - 2. Alternatives for meeting this requirement may be presented at Final Plan Review.
 - 3. ***Area B: Parking in this area shall be regulated by 4.5.5B.***
 - 4. ***Area B: Surfacing. A dust free, compacted gravel, surface is permitted, but the surface of the drive aisle is subject to the review and approval of the Memphis Fire Department.***
 - 5. ***Area B: Tractor-trailer stalls. Each stall shall contain parallel sections of concrete (slats) for the tires of said vehicles to rest upon.***
- F. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
- G. Adequate queuing spaces in accordance with the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- H. Adequate maneuvering room shall be provided between the right-of-way line and any gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. Landscaping, Screening & Lighting:

- A. All garbage, refuse containers and loading facilities shall be completely screened from view from all adjacent properties and public roads.
- B. All outdoor lighting shall be directed downward to the extent possible and shall not glare into public rights-of-way or onto adjacent properties.
 - 1. ***Area B: Lighting in this area will be subject to review by the OPD. Applicant shall submit a photometric grid indicating that the light levels at the American Way right of way line and the west property line do not exceed a light level of 1 candle foot.***
- C. All required landscaping and screening shall not conflict with any easements and shall not be placed on any sewer or drainage easements.

1. Area B: However, the existence of the overhead TVA powerlines shall not exempt this planned development from these landscaping requirements. If the recommended landscaping along the American Way right of way cannot be accomplished to the satisfaction of the OPD, this item may be referred to the LUCB for approval of an alternative landscape and/or site plan.

D. Area A: Maintain the existing landscape treatment along American Way. The equivalent of the S-8 or S-9 Plate.

E. Area A: Along American Way, replace the chain link fencing with wrought iron. Wrought iron will be in place adjacent to the American Way right-of-way and shall extend back into the property a minimum of 100 feet. At that point, a transition to chain link may be made.

F. Area B: *From the American Way setback, the applicant shall provide a 5-foot-tall berm with evergreen planting on either side of the berm. Said planting shall be an evergreen species that is not prone to losing their lower limbs. Spacing of the material shall be such that it does not permit a direct line of sight from the right of way into the parking area.*

G. Area B: *In addition to the berm, a landscaped island perpendicular to the right of way and parallel with the parking stalls shall be provided along the first two parking rows to further obscure the view into the parking area from the right of way. The islands shall be a minimum of 8 feet in width and the length of a tractor trailer parking stall. The planting shall be an evergreen material that will not interfere with the TVA lines or be prone to lose its lower limbs.*

H. Area B: *Fencing behind the berm is subject to the review and approval of the OPD. Vinyl coated chain link may be acceptable provided it is adequately screened.*

I. All required landscaping shall be irrigated.

V. Signs:

A. Attached and detached signs shall be permitted in accordance with CMU-3 District regulations.

B. Ingress/egress or directional signs shall be permitted.

C. Design and materials for new signs shall be consistent in logo and color for office/warehouse buildings.

D. Banners, streamers, florescent or balloon signs or similar advertising devices, including LED, changeable copy or reader board signs shall be prohibited.

E. The only signage permitted in Area B is wayfinding signage. No signage is permitted in Area C.

- VI. Drainage:
- A. All drainage plans shall be submitted to the City Engineer for review and approval.
 - B. Any drainage improvements, including possible on-site detention, to be provided under contract in accordance with Unified Development Code and the City of Memphis Drainage Design Manual.
 - C. All drainage emanating on-site shall be private in nature and no public easements will be accepted.
 - D. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or Property Owners' Association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash; mowing; outlet cleaning and repair of drainage structures.
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign requirements if equivalent alternatives are presented.
- VIII. A final plan for recording shall be filed within five (5) years of approval by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
- A. The Outline Plan Conditions.
 - B. A Standard Subdivision Contract, if necessary as required in Section 5.5 of Unified Development Code for any needed public improvements.
 - C. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, and drives.
 - D. The number of employee parking, loading and docking spaces.
 - E. The location and ownership, whether public or private of any easement(s).
 - F. The one-hundred (100) year flood elevation.
 - G. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plan.

- H. The width of all existing off-street sewer easements shall be widened to meet current city standards.
- I. A Final Plat for any filling or regrading of Area B shall be required even if such activity is the only activity that is being pursued.***
- J. The Outline Plan for the Thousand Oaks Planned Development shall be re-recorded to remove the area designated Parcel B from that P.D.***
- K. The Outline Plan for P.D. 18-18 Delta Square shall be recorded prior to the recording of the first final plat for the Delta Square P.D.***

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City Engineer:

1. Engineering has no objections to this request.

City Fire Division:

DIVISION OF FIRE SERVICES ❖ FIRE PREVENTION BUREAU

2668 Avery Avenue · Memphis · Tennessee · 38112
(901) 636-5401 Fax (901) 320-5425

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate:

No comments received.

City/County Health Department:

Water Quality Branch & Septic Tank Program:

No comments received

Shelby County Schools:

No comments received.

Construction Code Enforcement:

No comments received.

Memphis Light, Gas and Water:

Land and Mapping-Address Assignment:

No comments received

Office of Sustainability and Resilience:

No comments at this time.

APPLICATION



Memphis and Shelby County
Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

**APPLICATION FOR PLANNED DEVELOPMENT
MAJOR MODIFICATION/LUCB SITE PLAN
(CORRESPONDENCE) APPROVAL**

Date: June 26, 2019

Previous Case #: PD 18-18

PLEASE TYPE OR PRINT

Name of Development: Delta Square PD

Property Owner of Record: Gary Veazey Phone #: 901-682-3450

Mailing Address: 780 Ridgeway Lake Suite 202 City/State: Memphis, TN Zip 38120

Property Owner E-Mail Address: gveazey@jglawfirm.com

Applicant: Same as Owner Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Applicant E- Mail Address: _____

Representative: SR Consulting, LLC (Cindy Reaves) Phone #: 901-373-0380

Mailing Address: 5909 Shelby Oaks Drive, Suite 200 City/State: Memphis, TN Zip 38134

Representative E-Mail Address: cindy@srce-memphis.com

Engineer/Surveyor: SR Consulting, LLC Phone # 901-373-0380

Mailing Address: 5909 Shelby Oaks Drive, Suite 200 City/State: Memphis, TN Zip 38134

Engineer/Surveyor E-Mail Address: cindy@srce-memphis.com

Correspondence item Street Address Location: 5000 American Way

Distance to nearest intersecting street: 1630.78 feet west of the west line of Mt. Moriah

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>32.126</u>	_____	_____
Existing Zoning:	<u>PD</u>	_____	_____
Existing Use of Property	<u>Vacant Building & Vacant Land</u>	_____	_____
Requested Use of Property	<u>Truck facility</u>	_____	_____

Type of Correspondence Item Requested:

- ☒ Major Modification(s) (See UDC Para. 9.6.11E(2) for a list of Major Modifications)
- ☐ Land Use Control Board Site Plan Approval

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: _____ Bedrooms: _____

Expected Appraised Value per Unit: _____ or Total Project: _____

Description of and justification for request: For time extensions provide reasons necessitating extensions and estimated time frame for finalizing the development:

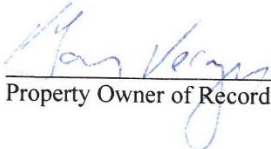
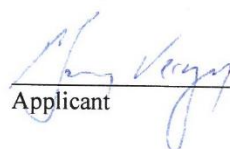


Request to add parcel 074-001-00243 to the boundary as allowed per Condition I. B. and to allow a dust-free gravel parking

lot for future truck parking on this parcel. Site Plan revision to move the location of the Shop Building. Remove

Condition II.C. that required the Shop Building to be masonry. Now that the shop is located behind an existing building

we are requesting that the Shop Building be allowed as a metal building.

I (we) hereby make application for the Correspondence Case described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

	
Property Owner of Record	Applicant
	
Date	Date

SIGN POSTING: A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing for any Major Modification. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

REQUIRED MAJOR MODIFICATIONS: The following items shall be deemed as Major Modifications to an approved Planned Development Outline Plan:

- A. Any revision to an Outline Plan that involves adding uses of a higher classification. Note: Adding uses of a lower classification will require the submittal of an Outline Plan *Amendment*. See Sub-Section 10.2.5B of the UDC for more information on higher and lower classifications.
- B. Any extension of the expiration date of an Outline Plan, provided the expiration date has not passed (see Sub-Section 9.6.14A).
- C. Any filing of a Final Plan in a Planned Development that was approved more than five years prior to the filing date and where the Outline Plan contains no expiration provisions.
- D. Any final plan that provides for more density than is permitted under the approved Outline Plan, unless the Outline Plan explicitly allows for such additional density (see Item 9.6.11D(3)(a) of the UDC).
- E. Any modification to the orientation of buildings as shown on the Outline Plan or the Outline Plan's Concept Plan that exceeds the following (see Item 9.6.11D(3)(c) of the UDC):
 - 1. 25 feet for final plans of two or less acres;
 - 2. 50 feet for final plan of more than two but less than eight acres;
 - 3. 100 feet for final plans of eight acres but than 20 acres; and
 - 4. 150 feet for final plans of 20 acres or more.

LETTER OF INTENT



Date: June 26, 2019

To: Office of Planning & Development

From: Cindy Reaves

Re: Delta Square PD

Job #: 19-0001

LETTER OF INTENT

We are pleased to submit a PD Major Modification Application for Delta Square PD located at 5000 American Way, south of Mt. Moriah Road. We are requesting to add parcel 074-001-00243 to the boundary of the PD as allowed per Condition I.B. and to add that a dust-free gravel parking lot for future truck parking be allowed on this parcel. We are also revising the Site Plan to move the Shop Building to the northeastern corner of the property where it will be located behind an existing building. We are requesting to remove Condition II.C. that required the Shop Building to be masonry. Now that the shop is located behind a building, it will not be visible from American Way so we are requesting that the Shop Building be allowed to be a metal building.

We appreciate your support with this request. Please contact me if you have any questions.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Dave Watkins, being duly sworn, depose and say that at 1:55 pm on the 27th day of July, 2019 I posted four Public Notice Signs pertaining to Case No. PD18-18 in front of the property located at 5000 American Way providing notice of a Public Hearing before the August 8, 2019 Land Use Control Board for consideration of a proposed Land Use Action (Planned Development), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Dave Watkins

Owner, Applicant or Representative

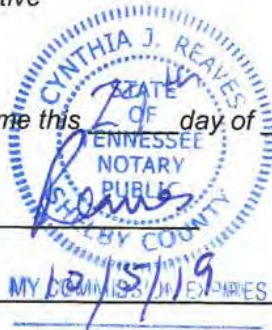
07/29/2019

Date

Subscribed and sworn to before me this 27th day of July, 2019.

Cynthia J. Reeves
Notary Public

My commission expires: 12/5/19



Picture of Sign

